N THE UNITED STATES PATENT AND TRADEMARK OFFICE

IFWING

In re Patent Application of

DAVIDSON et al.

Filed: June 26, 2006

Serial No. 10/584,711

Atty. Ref.: 4398-555

TC/A.U.: TBA
Examiner: TBA

For: COMPACT ORONASAL PATIENT INTERFACE

* * * *
September 25, 2006

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Listed on accompanying Form PTO/SB/08a is information that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. At least one of the boxes below applies to the present application:

- This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.
 - a. Contingent Request to Treat Under 37 C.F.R. § 1.97(c)

 In the event a first Office Action has been mailed prior to filing of the present Information Disclosure Statement and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(c) and charge the



undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

b. Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(1)
In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(1) in that the undersigned hereby states that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b.1. Patent Term Adjustment

I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.704(d).

c. Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(2)

In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(2) in that the undersigned hereby states that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my



knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2). 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1). Contingent Request Under 37 C.F.R. § 1.97(d). In the event a Notice of Allowance or a Final Rejection has been mailed prior to filing this Information Disclosure Statement, the Office is authorized to treat this as a submission under 37 C.F.R. 1.97(d) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose. □ Patent Term Adjustment a.1. I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart

application and that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.704(d).

I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after

making reasonable inquiry, no item of information contained in this

Information Disclosure Statement was known to any individual designated
in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this
Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
c. Attached is our check in the amount of \$ in payment of
the fee under 37 C.F.R. § 1.17(p).
3.
months after the U.S. filing date and after the mailing date of a Final Rejection or Notice
of Allowance, but before payment of the Issue Fee 37 C.F.R. § 1.97(d). It is hereby
requested that the Information Disclosure Statement be considered. Attached is our
check in the amount of \$ in payment of the fee under 37 C.F.R. § 1.17(i).
a.
Information Disclosure Statement was first cited in any communication
from a foreign patent office in a counterpart foreign application not more
than three months prior to the filing of this Information Disclosure
Statement. 37 C.F.R. § 1.97(e)(1).
a.1. Patent Term Adjustment
I hereby certify that each item of information was cited in a
communication from a foreign patent office in a counterpart
application and that this communication was not received by any
individual designated in Section 1.56(c) more than 30 days prior to
the filing of the Information Disclosure Statement. 37 C.F.R.
§1.704(d).
b.
Disclosure Statement was cited in a communication from a foreign patent
office in a counterpart foreign application, and, to my knowledge after
making reasonable inquiry, no item of information contained in this
Information Disclosure Statement was known to any individual designated
in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this

Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).



4. 🔲 I	Relevance of the non-English language document(s) is discussed in the
present specification	on.
5. 🛛 S	Some of the document(s) were cited in corresponding foreign
applications. An H	English language version of each foreign search report or official action
is attached for the	Examiner's information. See MPEP § 609.
a.	U.S. Patent No. is indicated in the foreign search report or
Offic	cial Action as being in the same patent family and/or the English-
lang	uage equivalent of listed on the attached foreign search report.
6.	A concise explanation of the relevance of the non-English language
document(s) appea	ars below:
7. 🔲 🤄	Copies of the documents were cited by or submitted to the Office in
Application No.	, filed , which is relied upon for an earlier filing date under
35 U.S.C. § 120.	Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
8.	The publication date (e.g., month or year) of at least one of the listed
documents is not a	vailable. For each document in this category, the Office is requested

U.S. filing date and/or any foreign priority date. Applicants reserve the right to establish the publication date in the event one or more claims is rejected based on such references.

9. The publication date of at least one document is listed on the attached PTOPTO/SB/08a based on information presently available to the undersigned. However, each listed publication date should not be construed as an admission that the information

to assume that the year of publication of each listed document is earlier than the effective

was actually published on the date indicated, and the right to challenge each listed publication date is expressly reserved by Applicant(s).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTOPTO/SB/08a, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 14-1140 referencing docket number 4398-555.

DAVIDSON et al. Serial No. 10/584,711

Respectfully submitted,

NIXON & VANDERHYE P.C.

Paul T. Bowen Reg. No. 38,009

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Receipt date: 09/25/2006 Sheet 1 of 2	
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INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

°Examiner

ATTY. DOCKET NO. 4398-555

SERIAL NO.

APPLICANT

10/584,711

DAVIDSON et al.
FILING DATE
June 26, 2006

TC/A.U.

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		u.s	U.S. PATENT DOCUMENTS		& MADEMARKO			
EXAMINER				FILING DA				
INITIAL	DOCUMENT NUMBER	DATE	TRIMBLE et al.	CLASS	SUBCLASS IF APPROPRIAT			
	4,782,832	11/1988	SULLIVAN et al.	_				
	5,243,971	09/1993						
	6,513,526	02/2003	KWOK et al.	_				
	5,560,354	10/1996	BERTHON-JONES et al.					
	2002/0069872	06/2002	GRADON et al.					
	6,571,798	06/2003	THORNTON					
	1,873,160	08/1932	STURTEVANT					
	2004-0226566	11/2004	GUNARATNAM et al.					
	60/483,622	07/2003	KWOK et al.	i				
	2004-0112384	06/2004	LITHGOW et al.					
	2003-0196658	10/2003	GING et al.					
	6,561,190	05/2003	KWOK et al.					
	443,191	12/1890	ILLING					
	60/795,615	04/2006	JUDSON et al.					
	4,449,526	05/1984	ELAM					
	11/474,415	06/2006	DAVIDSON et al.					
	6,907,882	06/2005	GING et al.					
	7,011,090	03/2006	DREW et al.					
	6,374,826	04/2002	GUNARATNAM et al.					
	6,532,961	03/2003	KWOK et al.					
	6,701,927	03/2004	KWOK et al.					
	6,478,026	11/2002	WOOD	i				
	6,595,215	07/2003	WOOD					
	6,807,967	10/2004	WOOD					
	6,776,162	08/2004	WOOD					
	6,123,082	09/2000	BERTHON-JONES					
	6,112,746	09/2000	KWOK et al.					
	2003-0196656	10/2003	MOORE					
	2004-0118406	06/2004	LITHGOW et al.					
	6,679,257	01/2004	ROBERTSON et al.					
+	6.820.617	11/2004	ROBERTSON et al.	-				
	2003-0111080	06/2003	OLSEN et al.	-				
	2005-0011523	01/2005	AYLSWORTH et al.	_				
	2006-0081250	04/2006	BORDEWICK et al.					
	11/447.295	06/2006	LUBKE et al.					
+	11/447,293	00/2000	LUDKE CLAI.					
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Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

Date Considered

*Examiner

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INFORMATION DISCLOSURE	ATTY, DOCKET NO.	SERIAL NO.	
CITATION	4398-555	10/584,711	
	APPLICANT		
	DAVIDSON et al.		

	(Use several sheets if necessary)	FILING DATE TC/A.U.					
		June 2	26, 2006 TI	3A			
		FOR	EIGN PATENT DOCUMENTS				
	DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANS	LATION NO
_	WO 87/01950	04/1987	WIPO	T	T		
_	WO 01/97893	12/2001	WIPO				
_	WO 01/95965	12/2001	WIPO				
	WO 03/090827	11/2003	WIPO				
	WO 2000/38772	07/2000	WIPO				
_	PCT/AU06/000770	06/2006	PCT		 		_
	PCT/AU06/000031	01/2006	PCT				
	PCT/AU06/000417	03/2006	PCT				
	WO 2006/074516	07/2006	WIPO	_			
	WO 2005/063328	07/2005	WIPO				
	EP 1481702	12/2004	EP	1			
	AU 51130/96	10/1996	AU				
	WO 96/28207	09/1996	WIPO			ABSTRACT	
	DE 19944242	03/2001	DE			ABSTRACT	
	DE 3719009	12/1988	DE			ABSTRACT	
	GB 2368533	05/2002	GB				
	GB 2385533	08/2003	GB				
			·				
	OTHER DOC	JMENTS (in	cluding Author, Title, Date, Pertine	nt pages, e	tc.)		
	International Preliminar	y Report on P	atentability for PCT/AU2004/001832 dat	ed 3 July 200)6		
_			AU2004/001832, mailed March 24, 2005				
	International Search Re	port filed in P	CT/AU2006/000770, mailed August 3, 20	006			
	"If You Hate CPAP! Y	ou Need CPA	P Pro®," www.cpappro.com , no da	ite.			
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